

SENATE JOURNAL.

FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 13, 1885. }

In accordance with law, the Senate of the Nineteenth Legislature met in the Senate Chamber of the Capitol, in the city of Austin, at 12 o'clock m. to-day (January 13, 1885), and was called to order by Hon. Marion Martin, Lieutenant-Governor of the State.

Prayer by Rev. R. K. Smoot, of Travis, Chaplain of the Senate of the Eighteenth Legislature.

The roll being called, the following Senators answered to their names:

First District—W. L. Douglass.
Second District—C. J. Garrison.
Third District—W. H. Pope.
Fourth District—J. A. Peacock.
Fifth District—Sam D. Stinson.
Sixth District—J. L. Camp, Jr.
Seventh District—C. B. Kilgore.
Eighth District—M. Y. Randolph.
Ninth District—J. W. Jones.
Tenth District—W. M. Jerdone.
Eleventh District—John Woods.
Twelfth District—H. Knittle.
Thirteenth District—J. P. Fowler.
Fourteenth District—J. S. Perry.
Fifteenth District—L. J. Farrar.
Sixteenth District—J. O. Terrell.
Seventeenth District—John Johnson.
Eighteenth District—W. O. Davis.
Nineteenth District—Temple Houston.
Twentieth District—W. R. Shannon.
Twenty-first District—W. H. Getzendaner.
Twenty-second District—R. H. Harrison.
Twenty-third District—C. K. Bell.
Twenty-fourth District—Geo. W. Glasscock.
Twenty-fifth District—George Pfeuffer.
Twenty-sixth District—Rud. Kleberg.
Twenty-seventh District—E. F. Hall.
Twenty-eighth District—A. W. Houston.
Twenty-ninth District—J. H. Calhoun.
Thirtieth District—J. H. Traylor.
Thirty-first District—W. A. Evans.

The credentials of the new members, excepting Senators Bell, Harrison and Pope, were presented, and those holding credentials, to-wit: Senators Calhoun, Camp, Douglass, Garrison, Glasscock, Hall, Houston of Wheeler, Jerdone, Kilgore, Knittle, Stinson, Terrell and Woods, had the oath of office administered them by the Lieutenant-Governor.

On motion of Senator Houston of Bexar, the new Senators not holding credentials were also sworn in.

Lieutenant Governor Martin then delivered the following address:

GENTLEMEN OF THE SENATE: If custom had not made it my duty, I would not feel called upon to address the Senate, as I am satisfied that you fully appreciate the importance of the occasion that calls us together. The magnitude and importance of your action as a legislative body can scarcely be stated in terms of exaggeration. Whatever may be our opinion of the importance of other departments of our government, we realize the fact that the law making department is the great heart that forces the life blood through every arm and department of our government. Your action involves not only the welfare and prosperity of our own people, but affects our character and credit abroad.

Upon you rests the responsibility of bringing the expenses of our State within the revenues without impairing or destroying the efficiency of the public service. To do this you may find it necessary to use the pruning knife placed in your hands by a people struggling under the weight of accumulated debts from the effects of two successive short crops. Our natural advantages and resources are so great that I do not think we have anything to fear from any momentary embarrassment of our cash balance.

The rapid increase of our wealth and population is to-day exciting the wonder and admiration of the civilized world, and we have nothing to fear for the future of our great State if we will *practice* that economy in the administration of our public affairs that is *preached* by all parties and by all public men.

Having been associated with many of you for years in the service of our State, I can say with confidence that I have no fears that the people of our State will have no cause to regret any action of the Nineteenth Legislature. I deem it unnecessary to ask your support in maintaining the rules and orders of the Senate, as I am confident I will receive it upon all occasions when my own action entitles me to it.

I now declare the Senate of the Nineteenth Legislature in session and ready to proceed to business.

Senator Johnson offered the following resolution:

Resolved, That the Senate do now proceed to the election of the following officers: Secretary, First Assistant Secretary, Sergeant-at-Arms, Doorkeeper, Engrossing Clerk, Enrolling Clerk, who shall, for the present, perform the duties of Calendar Clerk.

And also—

Resolved, That a committee of five be appointed to report what additional officers of the Senate are necessary to be elected; also, how many clerks, porters and pages shall be appointed, and what per diem each officer, clerk, porter and page shall receive for his services.

Senator Houston of Bexar offered the following as a substitute for the foregoing resolution:

Resolved, 1. That the Senate do now proceed to organization by the election of the following officers, viz: Secretary, First Assistant Secretary, Second Assistant Secretary, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, one Chaplain, President pro tem.

Resolved, 2. That the President appoint a committee of five, to report as soon as practicable, what other employees may be necessary, and what compensation shall be allowed.

The substitute was adopted by the following vote:

YEAS—25.

Bell,
Calhoun,
Camp,
Davis,
Douglass,
Evans,
Farrar,
Fowler,
Garrison,

Getzendaner,
Glasscock,
Hall
Houston of Bexar,
Houston of Wheeler,
Jerdone,
Jones,
Kleberg,

Knittel,
Peacock,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—6.

Harrison,
Johnson,

Kilgore,
Perry,

Pfeuffer,
Pope.

The Senate then proceeded to organize by the election of the following officers, and

Senators Houston of Bexar, Farrar and Harrison were appointed as tellers.

Nominations being announced in order by the President,

Senator Glasscock placed in nomination for Secretary, William Neal Ramey, which was seconded by Senator Pope.

Senator Pope moved that the nominee be elected by acclamation.

The motion was ruled out of order, as the Constitution requires the election of officers by ballot.

On the first ballot William Neal Ramey received thirty-one votes, and was declared unanimously elected, and was duly sworn in.

Senator Kleberg placed in nomination for First Assistant Secretary, C. M. Boynton, of Hamilton county, which was seconded by Senator Traylor.

Senator Peacock nominated for the same place J. E. Rodgers, of Hill county.

Mr. Rodgers nomination was seconded by Senator Getzendaner.

On the first ballot Mr. Boynton received seventeen votes, and Mr. Rodgers thirteen votes.

Mr. Boynton, having received a majority of the votes cast, was declared elected, and was sworn in.

Senator Randolph nominated W. M. Imboden for Second Assistant Secretary.

Senator Houston of Wheeler seconded the nomination.

Senator Houston of Bexar nominated W. M. Hunter, for re-election;

Which was seconded by Senator Knittle.

On the first ballot Imboden received twenty-five votes, and Mr. Hunter received five votes.

Imboden was declared elected, and was sworn in by the President.

Senator Jerdone nominated for Calendar Clerk Alexander Sampson, of Galveston.

The nomination was seconded by Senator Randolph.

Senator Kilgore placed in nomination C. L. Martin, of Dallas.

On first ballot Sampson received seventeen votes and Martin received fourteen votes.

Mr. Sampson having received a majority of the votes cast, was declared elected by the President, and sworn in.

For Engrossing Clerk, Senator Glasscock placed in nomination Mr. R. C. Walker, of Travis county.

Senator Davis nominated for the same office A. P. Finlay, of Grayson county.

Senator Evans seconded the nomination.

On first ballot Mr. Finlay received twenty votes and Mr. Walker eleven votes.

Finlay was declared elected, and sworn.

Thomas B. Jones, of Henderson, county, was placed in nomination for Enrolling Clerk by Senator Kilgore, seconded by Senators Terrell and Houston of Bexar.

Senator Kleberg nominated Yancey Lewis, of Gonzales, which was seconded by Senator Woods.

Senator Glasscock placed J. H. Ingram, of Travis, in nomination.

Yancey Lewis received, on first ballot, 21 votes, and

Mr. Jones received 10 votes.

Mr. Lewis was declared elected, and sworn.

For Sergeant-at-Arms, Senator Pfeuffer nominated William Dunn, of Guadalupe.

Senator Perry nominated A. A. Burck, of Milam.

Senator Jones nominated Stafford Smith, of Harris.

Senator Bell nominated J. C. Roberts of Bell; seconded by Senator Harrison.

Senator Jerdone seconded the nomination of Stafford Smith.

Senator Shannon nominated C. W. McGehee, of Parker.

Senator Peacock nominated J. H. Davis, of Franklin.

Senator Terrell seconded the nomination of Davis.

Senator Pope nominated W. T. Brewer, of Rusk.

Mr. Brewer's nomination was seconded by Senator Kilgore.

FIRST BALLOT.

Dunn.....	3
Burck.....	10
Smith.....	5
Roberts.....	3
McGehee.....	2
Davis.....	3
Brewer.....	5

No one having received a majority of the votes cast, the requisite number, another ballot was ordered.

Senator Shannon withdrew the name of C. W. McGhee.

SECOND BALLOT.

Dunn.....	1
Burck.....	7
Smith.....	7
Roberts.....	4
Davis.....	4
Brewer.....	6

Senator Pfeuffer withdrew the name of William Dunn.

The balloting was ordered to be continued,

No candidate having received a majority of the votes cast.

THIRD BALLOT.

Burck.....	7
Smith.....	8
Roberts.....	5
Davis.....	3
Brewer.....	8

The name of J. H. Davis was withdrawn by Senator Peacock.

An election was not had, and the fourth ballot was cast as follows:

FOURTH BALLOT.

Burck.....	11
Smith.....	6
Roberts.....	5
Brewer.....	8

No one elected.

FIFTH BALLOT.

Burck.....	8
Smith.....	7
Roberts.....	6
Brewer.....	9

The sixth ballot was taken, with the following result:

SIXTH BALLOT.

Burck.....	9
Smith.....	8
Roberts.....	6
Brewer.....	8

No election, and

Seventh ballot was ordered, and resulted in the following:

SEVENTH BALLOT.

Burck.....	8
Smith.....	5
Roberts.....	8
Brewer.....	9

Senator Davis moved that the Senate adjourn till 3 o'clock.

Lost.

EIGHTH BALLOT.

Burck.....	7
Smith.....	9
Roberts.....	6
Brewer.....	8
Rodgers, J. C.....	1

No choice.

NINTH BALLOT.

Burck.....	8
Smith.....	8
Roberts.....	7
Brewer.....	8

TENTH BALLOT.

Burck.....	9
Smith.....	7
Roberts.....	7
Brewer.....	8

ELEVENTH BALLOT.

Burck.....	8
Smith.....	8
Roberts.....	4
Brewer.....	11

TWELFTH BALLOT.

Burck.....	9
Smith.....	4
Roberts.....	5
Brewer.....	13

THIRTEENTH BALLOT.

Burck.....	8
Smith.....	3
Roberts.....	6
Brewer.....	14

Senator Jones withdrew the name of Stafford Smith.

FOURTEENTH BALLOT.

Burck.....	11
Roberts.....	4
Brewer.....	16

Brewer having received a majority of the votes cast, was declared duly elected, and was

Administered the oath of office.

For Assistant Sergeant-at-Arms Senator Houston of Bexar nominated Clem S. Bee, of Bexar county.

Senator Fowler nominated T. C. Baird, of Bastrop county.

Senator Terrell nominated J. A. Stewart, of Travis.

Senator Glasscock seconded the nomination of Mr. Stewart, and

By request placed in nomination W. A. McDaniel, of Travis, and J. W. Ray, of Bell.

Senator Pope seconded the nomination of Mr. Baird.

Senator Douglass nominated Frank T. Bates, of Harris.

Senator Jones seconded Mr. Bates' nomination.

Senator Farrar seconded the nomination of Mr. McDaniel.

The Senate proceeded to ballot for the nominees as follows:

FIRST BALLOT.

Baird.....	6
Bee.....	5
Stewart.....	10
Bates.....	5
McDaniel.....	1
Ray.....	4

No choice.

SECOND BALLOT.

Baird.....	5
Bee.....	7
Stewart.....	11
Bates.....	4
McDaniel.....	1
Ray.....	2

No choice.

Senator Glasscock withdrew the name of W. A. McDaniel.

THIRD BALLOT.

Baird.....	7
Bee.....	6
Stewart.....	13
Bates.....	3
Ray.....	2

The name of J. W. Ray was withdrawn by Senator Glasscock.

Frank T. Bates' name was withdrawn by Senator Douglass.

FOURTH BALLOT.

Baird.....	5
Bee.....	5
Stewart.....	21

Mr. Stewart being declared duly elected was sworn in.

Senator Shannon nominated W. A. Squires, of Clay county, for Doorkeeper.

Seconded by Senators Kleberg and Houston of Wheeler.

Senator Getzendaner nominated A. J. Dorn, of Travis county.

Seconded by Senator Glasscock.

M. B. Irwin, of Milam, was nominated by Senator Calhoun.

Senator Harrison nominated G. A. King, of Falls.

Seconded by Senator Garrison.

The balloting proceeded as follows:

FIRST BALLOT.

Squires.....	10
Dorn.....	14
Irwin.....	2
King.....	5

Senator Calhoun withdrew Irwin from nomination.

SECOND BALLOT.

Squires.....	11
Dorn.....	13
King.....	7

No choice.

THIRD BALLOT.

Squires.....	11
Dorn.....	14
King.....	6

No election.

FOURTH BALLOT.

Squires.....	13
Dorn.....	14
King.....	3

Senator Harrison withdrew the name of King.

FIFTH BALLOT.

Squires.....	12
Dorn.....	19

Dorn was declared elected, and sworn in.

For Chaplain, Senator Kleberg nominated Rev. Dr. Smoot, of Travis county.

Senators Glasscock and Randolph seconded the nomination.

On the first ballot Dr. Smoot was elected by a unanimous vote of 29.

The Senate proceeded to the election of President pro tem.

Senator Houston of Bexar placed in nomination W. R. Shannon, of Parker.

Seconded by Senators Jones, Evans and Traylor. Senator Shannon received 30 votes on the first ballot, and

Was declared duly elected President pro tem. of the Senate, and sworn.

Senator Houston offered the following resolution:

Resolved, That immediately after morning call to-morrow the Senators proceed to cast lots for seats in the Senate, and that it be done in this manner, viz.: The Secretary shall place the names of Senators in a hat, and after mixing well, shall draw them one at a time, and as the names are drawn the Senators shall select their seats.

Senator Pfeuffer offered the following amendment:

By striking out the words "after morning call to-morrow," and inserting in lieu thereof the word "now."

Accepted.

Senator Peacock offered the following amendment:

That the Senators retire from the Senate chamber, and as their names are called they will come forward and select their seats.

Accepted, and

The resolution as amended adopted.

The Senators proceeded to select seats according to the resolution adopted.

The following committee was appointed by the President, under resolution of Senator Johnson, as substituted by Senator Houston of Bexar, to-wit:

Senators Johnson, Houston of Bexar, Garrison, Getzendaner and Traylor.

Senator Traylor offered the following resolution:

Resolved, That the President appoint two committees of three Senators each, one to inform the Governor, and the other to inform the House of Representatives that the Senate is organized and ready to proceed to business.

Senator Peacock offered the following substitutes:

Resolved, That the President of the Senate appoint a committee of three to notify the House of Representatives that the Senate has organized and is ready to proceed with business.

Be it resolved by the Senate, the House of Representatives concurring, That the President of the Senate appoint a committee of three Senators to act with a like committee on the part of the House of Representatives to inform the Governor that the Legislature has been organized and is ready to proceed with business.

Substitute lost, and

Resolution of Senator Traylor adopted.

Senator Jones offered the following resolution:

Resolved, That the Senate be controlled and governed by the rules adopted by the Senate of the Eighteenth Legislature until otherwise ordered.

Adopted.

The President appointed on committee to notify the House of the organization of the Senate, Senators Traylor, Houston of Bexar, and Bell.

Also, on committee to notify the Governor of the organization of Senate, Senators Peacock, Houston of Wheeler, and Kilgore.

On motion of Senator Pfeuffer,

The Senate adjourned till 10 a. m. to-morrow.

SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 14, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by Chaplain, Rev. R. K. Smoot.

On Senator Peacock's motion,

The reading of the journal of yesterday was dispensed with.

Under the call for bills and resolutions, the following were introduced:

By Senator Evans:

A bill to be entitled "An act to amend article 253, chapter 2, title 11, of the Penal Code."

A bill to be entitled "An act to amend article 496, chapter 2, title 19, of the Penal Code."

A bill to be entitled "An act to amend article 549, title 15, chapter 11, of the Penal Code."

The three bills referred to Judiciary Committee No. 2.

By Senator Pope:

A bill to be entitled "An act to amend article 2514, chapter 5, title 47, of an act entitled an act to adopt and establish the Revised Civil Statutes of the State of Texas, adopted February 28, 1879."

Referred to Judiciary Committee No. 2.

By Senator Hall:

A bill to be entitled "An act to reorganize the Twenty-eighth Judicial District of the State of Texas, and to provide the times for holding the district court therein."

Referred to Committee on Judicial Districts.

By Senator Randolph the following resolutions were introduced:

Resolved, That the Sergeant-at-Arms be authorized to purchase postage stamps and stationery necessary for the use of the Senate.